

PATENT  
ATTORNEY DOCKET NO. 72928

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Hon. Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

## **PRELIMINARY AMENDMENT**

Sir:

This amendment is being filed concurrently with the above-captioned application and prior to the receipt of an Office Action in this matter. Please amend the application as follows:

## IN THE SPECIFICATION:

Please insert after the Cross-Reference to Related Applications and before the Background of the Invention:

**REFERENCE TO A COMPUTER PROGRAM LISTING  
APPENDIX SUBMITTED ON A COMPACT DISC**

The computer program listing appendix contained within file "codelisting" on compact disc "1 of 1", which has been filed with the United States Patent and Trademark

Office in duplicate, is hereby incorporated herein by reference. This file was created on January 30, 2001, and is 151 KB in size.

IN THE CLAIMS:

Please cancel claims 1-5 without prejudice and add the following new claims:

6. (New) A movable barrier operator having automatic force setting capabilities, the operator comprising:

a motor coupled to a movable barrier to be moved;  
a temperature detector for detecting temperatures; and  
a controller operatively coupled to the motor and the temperature detector for commanding the motor to move at a specified force and for changing the force according to changes of temperature detected by the temperature detector.

7. (New) A movable barrier operator according to claim 6, wherein the controller comprises:

a controller for increasing the force from the specified force when a decrease in temperature has been detected.

8. (New) A method of selecting force settings for a movable barrier operator, the method comprising:

operating a movable barrier operator at a specified force setting;  
detecting temperature changes; and  
changing the force setting according to the temperature change detected.

9. (New) A method according to claim 8, wherein changing the force setting comprises:

increasing the force setting when a decrease in temperature is detected.

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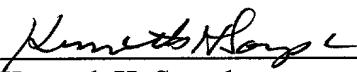
**REMARKS**

Upon entry of the instant amendment, claims 6-9 are pending in the application and claims 1-5 have been canceled, without prejudice. The purpose for filing the above-captioned application is to pursue the claims restricted out of co-pending parent application no. 09/571,435, filed May 15, 2000. Applicants submit that no new matter has been added, and respectfully request consideration and allowance of new claims 6-9, as set forth above.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

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